

(v) Two members should be selected from among individuals included in the list submitted by the Speaker of the House of Representatives under subparagraph (A), or whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a non-profit research institution.

(vi) Two members should be selected from among individuals included in the list submitted by the minority leader of the House of Representatives under subparagraph (A), of whom—

(I) one should be selected from among individuals in the private sector; and

(II) one should be selected from among individuals in academia or employed by a non-profit research institution.

(C) NONGOVERNMENTAL MEMBERSHIP; PERIOD OF APPOINTMENT; VACANCIES.—

(i) NONGOVERNMENTAL MEMBERSHIP.—An individual appointed to the Board may not be an officer or employee of an instrumentality of government.

(ii) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Board.

(iii) VACANCIES.—Any vacancy in the Board shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the President first submits to Congress a national security strategy under section 108 of the National Security Act of 1947 (50 U.S.C. 3043) after the date of the enactment of this Act, the President shall—

(A) appoint the members of the Board pursuant to paragraph (4); and

(B) submit to Congress a list of the members so appointed.

(6) EXPERTS AND CONSULTANTS.—The Board is authorized to procure temporary and intermittent services under section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(7) SECURITY CLEARANCES.—The appropriate Federal departments or agencies shall cooperate with the Board in expeditiously providing to the Board members and experts and consultants appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearances.

(8) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Board and any experts and consultants consistent with all applicable statutes, regulations, and Executive orders.

(9) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) and section 552b of title 5, United States Code (commonly known as the “Government in the Sunshine Act”), shall not apply to the Board.

(10) UNCOMPENSATED SERVICE.—Members of the Board shall serve without compensation.

(11) COOPERATION FROM GOVERNMENT.—In carrying out its duties, the Board shall receive the full and timely cooperation of the heads of relevant Federal departments and agencies in providing the Board with analysis, briefings, and other information necessary for the fulfillment of its responsibilities.

(12) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$2,000,000 for the period of fiscal years 2022 and 2023.

(13) TERMINATION.—The Board shall terminate on the date that is 60 days after the date on which the President submits the China Grand Strategy to Congress under subsection (b)(2).

SA 1966. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II of division E, add the following:

SEC. 5214. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) rare earth elements are among the materials the United States domestic industrial base requires to produce modern high-tech devices;

(2) the People’s Republic of China possesses more than 80 percent of the world’s capacity to process raw ore for rare earth elements, and is the world’s biggest reserve, producer, consumer, processor, importer, and exporter of rare earth elements;

(3) Greenland, a self-governing territory of Denmark in North America, sits on vast, untapped reserves of critical minerals, including rare earth elements; and

(4) rare earth elements are critically important inputs for the United States domestic industrial base.

(b) MODIFICATION OF DEFINITION.—Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking “or Canada” and inserting “, Canada, or Greenland”.

SA 1967. Mr. HAGERTY (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. PREVENTION OF ABUSE OF FLEXIBILITIES IN RULES AND NEGOTIATIONS GIVEN BY THE WORLD TRADE ORGANIZATION TO DEVELOPING COUNTRIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the World Trade Organization (WTO) was established to catalyze economic growth and raise standards of living by establishing international trade rules based on principles of transparency, openness, and predictability;

(2) the WTO continues to use a dichotomy between developed and developing countries

that has allowed some WTO members to gain unfair advantages in the international trade arena;

(3) China continues to declare itself a developing country and avail itself of flexibilities under WTO rules;

(4) China has the second largest gross domestic product in the world;

(5) China is the largest global exporter of goods and accounts for more than 10 percent of total global exports of goods;

(6) the outbound and inbound foreign direct investment of China exceeds that of most member countries of the Organization for Economic Cooperation and Development;

(7) China, however, continues to declare itself a developing country to enjoy the special and differential treatment provisions that come with that status; and

(8) when the largest economies claim developing country status, they potentially harm not only other developed countries but also developing economies that require special and differential treatment.

(b) PREVENTION OF ABUSE OF FLEXIBILITIES.—

(1) IN GENERAL.—The United States Trade Representative shall use all available means as the Trade Representative considers appropriate to secure changes at the World Trade Organization that would prevent self-declared developing countries from availing themselves of flexibilities in the rules and negotiations at the WTO that are not justified by appropriate economic and other indicators, as determined by the Trade Representative.

(2) COOPERATION.—The Trade Representative shall carry out the requirements under paragraph (1) in cooperation with other like-minded WTO members.

(3) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Trade Representative shall submit to Congress a report on the progress of the Trade Representative in carrying out paragraph (1).

(c) TREATMENT BY UNITED STATES.—Not later than 270 days after the date of the enactment of this Act, if the Trade Representative determines that substantial progress has not been made toward securing the changes described in subsection (b)(1), the Trade Representative shall, as the Trade Representative considers appropriate, no longer treat as a developing country for the purposes of the WTO any WTO member that, in the judgment of the Trade Representative, is improperly declaring itself a developing country and inappropriately seeking the benefit of flexibilities in the rules and negotiations at the WTO.

(d) PUBLICATION.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Trade Representative shall publish on an internet website of the Office of the United States Trade Representative a list of all self-declared developing countries that the Trade Representative determines are inappropriately seeking the benefit of developing-country flexibilities in the rules of and negotiations by the WTO.

(2) UPDATE.—The Trade Representative shall update the list under paragraph (1) not less frequently than annually.

(e) DEFINITIONS.—In this section, the terms “World Trade Organization”, “WTO”, and “WTO member” have the meanings given those terms in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

SA 1968. Mr. CORNYN (for himself, Mr. KELLY, Mr. RUBIO, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for